

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTOPHER MICHAEL HALE,

Plaintiff,

v.

No. 11-cv-128 RB/SMV

THE GEO GROUP, INC.,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION
TO COMPEL INTERROGATORIES**

THIS MATTER is before the Court on Plaintiff's Motion to Compel Interrogatories [Doc. 72] ("Motion"). In his Motion, Plaintiff requests this Court to compel the Defendant to respond to a list of interrogatories related to his underlying 42 U.S.C. § 1983 claims. Motion [Doc. 72] at 3–5. Because no discovery order has issued or been agreed to between the parties, and because Defendant timely filed a *Martinez* report that is currently pending review, the Court finds that Plaintiff's Motion [Doc. 72] should be denied.

Because this is a civil rights action brought by an incarcerated plaintiff, it is excluded from the usual pretrial case management procedures. *See* D.N.M.LR-Civ. 16.3(d). No scheduling order has yet been entered for this case, nor have the parties agreed to conduct discovery on their own. *See* D.N.M.LR-Civ 26.4(a); *see also* D.N.M.LR-Civ. 26.5(a) (courts may fashion discovery *sua sponte* in §1983 proceedings brought by pro se inmate litigants).

Defendant has filed a *Martinez* report [Doc. 74] pursuant to an order by the Honorable Don J. Svet, United States Magistrate Judge. Order for *Martinez* Report [Doc. 62] at 2-3. The documents submitted by Defendant are voluminous, and the Court cannot determine whether

discovery should be granted until it has reviewed the *Martinez* report. The Court will deny Plaintiff's Motion, and Defendant need not respond to Plaintiff's interrogatories at this time.

IT IS THEREFORE ORDERED that Plaintiff's Motion [Doc. 72] is **DENIED** and that no discovery will be undertaken in this matter absent this Court's order allowing discovery.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge